

Eligible Delaware Residents Can Still Submit Claims for Provigil Settlement

*To receive settlement funds, claims must be filed by
Wednesday, June 25, 2017*

Delaware residents who paid for the brand-name drug Provigil or generic modafinil from June 24, 2006, to March 31, 2012 are urged file claims in a \$125 million multistate settlement that provides \$35 million for distribution to consumers, the Delaware Department of Justice said. The states asked and the court extended the time to file claims in the settlement to June 25, 2017.

Provigil, which includes the active ingredient modafinil, is approved by the federal Food and Drug Administration (FDA) to improve wakefulness in adult patients with excessive sleepiness associated with narcolepsy, obstructive sleep apnea and shift work disorder.

In August 2016, Delaware and 47 other state attorneys general announced the settlement with biopharmaceutical company Cephalon and its affiliated companies, including Teva Pharmaceutical Industries, Teva Pharmaceuticals USA and Barr Laboratories, that resolved allegations that the companies engaged in unlawful “pay-for-delay” anticompetitive conduct involving the patent exclusivity for Provigil. “Pay-for-delay” means when a branded drug company seeks to unlawfully maintain its exclusive rights by paying a would-be generic competitor to delay entry into the market and thus keep prices at artificially high levels. More information can be found [here](#).

The states denounced conduct by the makers of Provigil that resulted in the generic drug’s delay in reaching market, therefore precluding consumers from benefiting from the

reduced cost of the generic drug versus the more expensive brand-name Provigil.

Deputy Attorney General Michael Undorf of the Consumer Protection Unit represented Delaware in the case.

For more information or to obtain a claim form, visit www.StateAGProvigilSettlement.com, or call 1-877-236-1413.